85.     The system of claim 83 wherein the purchase request receiver is further configured to receive requests to purchase the product/service in a secured format.

86.     The system of claim 74 wherein the payment provider is connected to an electronic network and wherein the payment provider is further configured to provide the payment information to the at least one seller over the electronic network.

87.     The system of claim 74, further comprising:

a group-buying notifier configured to notify at least one buyer in the group that the group has attained the at least one group size.

88.     The system of claim 87 wherein the at least one buyer is notified via at least one of an e-mail message, Internet immediate message, voice message, beeper message, and facsimile message.

89.     (Newly Added) The method of claim 8 wherein verifying that buyers in the group satisfy a requirements list comprises:

determining that user names and passwords received from buyers match user names and passwords associated with the common employer in the requirements list.


## REMARKS

Claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-89 are pending in this application.    Claims 1, 5, 7, 20, 24, 26, 40-55, 62-63, and 78-79 have been canceled without prejudice or disclaimer.    Claim 89 has been added.

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The Examiner objected to an informality in claim 81. The Applicants have amended claim 81 to remove this informality. The Examiner is kindly requested to remove his objection.

The Examiner has rejected claims 1-35, 40-41, and 44-86 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,260,024 to Shkedy ("Shkedy").

Independent claims 6, 25, and 74 respectively recite methods, a computer-readable medium, and a system that, *inter alia*, allow a second seller to review the price quotation provided by a first seller and offer buyers another price quotation.

In rejecting claim 6, the Examiner cited Shkedy at Col. 7, lines 49-58 as disclosing that sellers could review prices submitted by other sellers. The section cited by the Examiner states:

> One embodiment of the present invention divides the functionality of the central controller 200 into three components and embodies them in three separate servers: an operations server, a certificate authority, and a settlement server. The certificate authority authenticates the identity of buyers and sellers while the settlement server verifies their ability to pay or deliver goods. The operations server posts FPOs ["Forward Purchase Orders"], PPOs ["Pool Purchase Orders"] and bids relying upon messages from the other two servers for validation. This configuration allows greater specialization of the servers. Col. 7, lines 49-58. (Definitions added.)

Thus, the cited portion merely discloses the use of specialized servers and provides no disclosure or suggestion that sellers can review information, such as bids, submitted by other sellers. More importantly, Shkedy actually stresses the importance of *anonymity* for buyers and sellers. For instance, early in his detailed description, Shkedy discloses:

> The present invention provides numerous unique advantages including anonymity. For numerous privacy and competitive reasons, buyers and sellers often prefer not to have their identities revealed to the general public when engaging in commercial transactions. The present invention effectuates the anonymity of buyers and sellers through the use of

identification numbers stored in a database secured by the central controller 200. Col. 8, lines 32-40 (emphasis added).

Shkedy then discloses a system in which anonymity of seller information is protected using, among other things a public key/private key encryption system. *See, e.g.,* Figs. 7-8 and Figs. 12-15 and Col. 16, line 39-Col. 17, line 31 and Col. 21, line 51-Col. 25, line 11. For instance, to avoid any confusion regarding the importance of anonymity, Shkedy even provides a clear example of seller anonymity:

> In a similar manner, sellers may also want to keep their identity a <u>secret. A grocery retail chain might not want the public to know that they are heavily discounting certain canned goods for bulk resale</u>. Col. 25, lines 8-11. (Emphasis added.)

Thus, not only does Shkedy not disclose allowing sellers to review information provided by other sellers, but Shkedy specifically teaches away from providing such information. Accordingly, the Examiner is respectfully requested to remove the rejection of independent claims 6, 25, and 74.

Similarly, independent claims 8, 27, 36, and 56 respectively recite methods, a computer-readable medium, and a system that *inter alia*, restrict the members of a buying group to buyers having a common employer.

In rejecting claim 8, the Examiner cited Shkedy at Col. 8, lines 49-61 as disclosing that sellers could restrict membership in buying groups to buyers having a common employer. The section cited by the Examiner states:

> There are two types of certificate authorities. The first is an internal server and the second is a trusted third party. This third party could also be the settlement server as well. For example, banks, insurance companies and other financial institutions could issue digital certificates establishing the identity of an individual and convey other pertinent information such as the individual's authority to <u>represent</u> an organization and his spending limit. Similarly they could also certify the individual's ability to pay or deliver goods much as they do now when they issue letters of credit. These third parties have the financial capability to back up their certifications and thus

can insure both buyers and sellers against fraud. Col. 25, lines 49-61. (Emphasis added.)

Thus, the cited passage discloses verifying a *single* individual's authority to *represent* an organization – the passage neither discloses nor suggests *restricting* groups of buyers to those buyers who have a common employer or a mechanism that restricts buyers in a group to persons having a common employer. Accordingly, the Examiner is respectfully requested to remove the rejection of independent claims 8, 27, 36, and 56.

The Examiner rejected claims 36-39, 42-43, and 87 under 35 U.S.C. § 103(a) as obvious over Shkedy in view of U.S. Patent No. 6,260,024 to Pallakoff ("Pallakoff").

As discussed above, Shkedy neither discloses nor suggests restricting buyers to persons having a common employer. Shkedy also does not disclose or suggest allowing sellers to review pricing information provided by other sellers.

Similarly, Pallakoff neither discloses not suggests restricting buyers to persons having a common employer. Pallakoff also does not disclosure or suggest allowing sellers to review pricing information provided by other sellers.
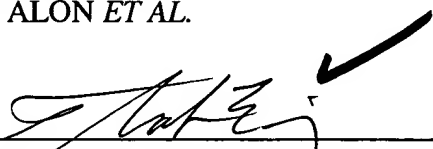
Moreover, Pallakoff discloses a seller-driven system in which buyers may only accept or reject a seller's offer. In contrast, Shkedy discloses that buyers may input a price for a product/service. Thus, Pallakoff and Shkedy disclose fundamentally different sales procedures. In Pallakoff, a seller offers products/services to buyers and dictates certain requirements for the sale, while in Shkedy, buyers band together and dictate certain terms of the sale to sellers. Thus, Pallakoff and Shkedy are not properly combinable as references since their overall teachings oppose each other – and the references provide no guidance that would enable an artisan to meaningfully choose which parts to combine and which parts to ignore since the disclosures are so different. Assuming *arguendo* that the teachings of Pallakoff and Shkedy could be properly combined, both references fail to disclose or suggest Applicants' independent claims 6, 8,

25, 27, 36, 56, and 74. Accordingly, the Applicants respectfully request the Examiner to remove the rejection of the claims over Shkedy in view of Pallakoff under 35 U.S.C. § 103(a).

For the reasons stated above, the Applicants respectfully submit that the pending claims are allowable over the cited references and requests that the application be passed to issue. If the Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
AMIR ALON *ET AL.*

Dated: January 31, 2003          By: _____

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<u>**VERSION WITH MARKINGS TO SHOW CHANGES MADE**</u>

<u>**CLAIM REVISIONS**</u>

2.      (Once Amended) The method of claim <u>6</u> [1] wherein the agent entity is one of a buyer in the group or the group.

3.      (Once Amended) The method of claim <u>6</u> [1], further comprising:

collecting payment information from the at least one buyer in the group who is interested in buying the product/service at the received suggested price quotation; and

sending the collected payment information to the at least one seller.

6.      (Once Amended) <u>A method for using a computer to facilitate a sales transaction for purchasing a product/service by a group of buyers from a seller of a plurality of sellers,</u> [The method of claim 5, further] comprising:

<u>receiving into the computer requests to purchase the product/service by buyers of the group;</u>

<u>forming a collective request for purchase of the product/service based upon the received buyer requests to purchase the product/service;</u>

<u>sending the collective request to at least one seller;</u>

<u>receiving a suggested price quotation for the product/service from the at least one seller;</u>

<u>notifying an agent entity of the received suggested price quotation;</u>

allowing the at least another seller to review the received price quotation for the product/service from the at least one seller;

<u>receiving another suggested price quotation for the product/service from the at least another seller;</u>

<u>notifying an agent entity of the received another suggested price quotation; and</u>

<u>receiving purchase authorization from at least one buyer in the group to buy the product/service from at least one of the at least one seller or the at least another seller.</u>

8.     (Once Amended) [The method of claim 7 wherein the] <u>A method for using a computer to facilitate a sales transaction for purchasing a product/service by a group of buyers from at least one seller, comprising:</u>

     <u>verifying that buyers in the group satisfy a</u> requirements list [includes a requirement] that <u>requires</u> [more than one] <u>a plurality of</u> buyer<u>s</u> in the group <u>to</u> have a common employer<u>;</u>

     <u>receiving into the computer buyer requests to purchase the product/service by verified buyers of the group;</u>

     <u>forming a collective request for purchase of the product/service based upon the received buyer requests to purchase the product/service;</u>

     <u>sending the collective request to the at least one seller;</u>

     <u>receiving a suggested price quotation for the product/service from the at least one seller;</u>

     <u>notifying an agent entity of the received suggested price quotation; and</u>

     <u>receiving purchase authorization from at least one verified buyer in the group to buy the product/service at the received suggested price quotation.</u>

9.     (Once Amended) The method of claim <u>8</u> [1] wherein sending the collective request to the at least one seller further comprises a price reduction request for the product/service based on a number of buyers in the group.

11.    (Once Amended) The method of claim <u>8</u> [1] wherein the received suggested price quotation is based on a number of buyers in the group.

12.    (Once Amended) The method of claim <u>8</u> [1], further comprising:

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receiving into the computer a group buy setup characteristics data set that includes at least one of price targets for the product/service, buyer deadlines for joining the group, buyer deadlines for submitting purchase authorization, and deadlines for closing the sales transaction.

13.    (Once Amended) The method of claim 6 [1], further comprising:

providing a setup tool that facilitates receiving group buy setup characteristics data that includes at least one of price targets for the product/service, buyer deadlines for joining the group, and buyer deadlines for receiving purchase authorization.

14.    (Once Amended) The method of claim 6 [1] wherein the computer is connected to an electronic network and wherein the received requests to purchase the product/service are received over the electronic network.

17.    (Once Amended) The method of claim 6 [1] wherein the computer is connected to an electronic network and wherein the received suggested price quotation for the product/service is received over the electronic network.

18.    (Once Amended) The method of claim 6 [1], further comprising:

providing the agent entity with pre-negotiated prices for the product/service from the at least one seller.

19.    (Once Amended) The method of claim 6 [1] wherein notifying the agent entity of the received suggested price quotation comprises sending a message to the agent entity in a format of at least one of an e-mail message, an Internet immediate message, a voice message, a beeper message, or a facsimile message.

21.    (Once Amended) The method of claim 26 [20], further comprising:

requesting the at least one seller to honor the at least one of an agreed price for the product/service or the price reduction for the product/service for the at least one group size.

22.     (Once Amended) The method of claim 26 [20], further comprising:

collecting payment information from buyers in the group who have submitted requests to purchase the product/service.

25.     (Once Amended) A method for using a computer to facilitate a sales transaction for purchasing a product/service from a seller, [The method of claim 20, further] comprising:

receiving from at least one seller at least one of an agreed price for the product/service or a price reduction for the product/service for at least one group size;

receiving into the computer requests to purchase the product/service by buyers, the buyers collectively forming a group;

monitoring the group to determine if the group has attained the at least one group size;

providing buyer payment information to the at least one seller if the group attains the at least one group size;

allowing at least another seller to review the at least one of an agreed price for the product/service or the price reduction for the product/service for at least one group size from the at least one seller;

receiving another agreed price for the product/service from the at least another seller; and

notifying buyers in the group of the received another agreed price.

27.     (Once Amended) A method for using a computer to facilitate a sales transaction for purchasing a product/service from a seller, [The method of claim 26 wherein] comprising:

receiving from at least one seller at least one of an agreed price for the product/service or a price reduction for the product/service for at least one group size;

receiving into the computer requests to purchase the product/service by prospective buyers;

verifying that each prospective buyer satisfies a requirements list before including the prospective buyer in a buying group, the requirements list includes [includes as] a requirement that more than [one buyer] buyers in the group have a common employer;

monitoring the buying group to determine if the buying group has attained the at least one group size; and

providing payment information to the at least one seller if the group attains the at least one group size.

28.    (Once Amended) The method of claim 27 [20], further comprising:

receiving into the computer group buy setup characteristics data that includes at least one of buyer deadlines for joining the group, buyer deadlines for submitting purchase authorization, and deadlines for closing the sales transaction.

29.    (Once Amended) The method of claim 27 [20], further comprising:

providing a setup tool that facilitates receiving group buy setup characteristics data that includes at least one of buyer deadlines for joining the group and buyer deadlines for receiving purchase authorization.

30.    (Once Amended) The method of claim 27 [20] wherein the computer is connected to an electronic network and wherein the received requests to purchase the product/service are received over the electronic network.

31.    (Once Amended) The method of claim 27 [20] wherein the electronic network is at least one of the World Wide Web, the Internet, or an intranet.

33.    (Once Amended) The method of claim 27 [20] wherein the computer is connected to an electronic network and wherein the payment information is provided to the at least one seller over the electronic network.

34.    (Once Amended) The method of claim 27 [20], further comprising:
notifying at least one buyer in the group that the group has attained the at 3 least one group size.

36.    (Once Amended) A computer-readable data transmission medium containing a data

structure that facilitates a sales transaction with a seller comprising:

(a) a first portion that specifies a product/service for purchase by a group comprised of more than one buyer;

(b) a second portion that specifies a collective request by the group to the purchase of the product/service;

(c) a third portion that requests price information for the product/service from the seller;

(d) a fourth portion that specifies a time interval for which the collective request remains active; [and]

(e) a fifth portion that specifies at least a minimum sales quantity of the product/service for which a price information is requested; and

(f) a sixth portion that verifies that buyers in the group satisfy a membership requirement of having a common employer.

37. (Once Amended) The computer-readable data transmission medium of claim 36, further comprising:

[(f) ] (g) a seventh [sixth] portion that specifies price information provided by a competing seller of the product/service.

38. (Once Amended) The computer-readable data transmission medium of claim 36, further comprising:

[(f) ] (g) a seventh [sixth] portion that specifies a number of buyers in the group.

39. (Once Amended) The computer-readable data transmission medium of claim 36 wherein the first through sixth [fifth] portions are configured for transmission to the seller in an integral transmission.

56. (Once Amended) A system for facilitating a sales transaction for the purchase of a product/service by a group of buyers from at least one seller, comprising:

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a purchase request receiver configured to receive a request to purchase the product/service by at least one buyer of the group, and to restrict buyers in the group to buyers matching a requirements list that requires buyers in the group to have a common employer;

a collective request former configured to form a collective request for the purchase of the product/service based upon the received requests to purchase the product/service;

a transmitter configured to send the collective request to the at least one seller;

a price quotation receiver configured to receive a suggested price quotation for the product/service from the at least one seller; and

a price quotation notifier configured to notify an agent entity of the received suggested price quotation.


74. (Once Amended) A system for facilitating a sales transaction for the purchase of a product/service from at least one seller, comprising:

a memory configured to retain at least one of an agreed price for the product/service from the at least one seller or a price reduction for the product/service for at least one group size from the at least one seller, configured to allow the at least another seller to review the at least one of an agreed price for the product/service or the price reduction for the product/service for at least one group size from the at least one seller, and configured to retain another suggested price quotation for the product/service from at least another seller;

a price notifier configured to notify each of the buyers in the group of the received another suggested price quotation;

a purchase request receiver configured to receive requests to purchase the product/service by buyers, the buyers collectively forming a group;

a group monitor configured to monitor the group to determine if the group has attained the at least one group size; and

a payment provider configured to provide payment information to the at least one seller if the group monitor indicates that the group has attained the at least one group size.


81. (Once Amended) The system [method] of claim 80 wherein the requirements list includes

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as a requirement that more than one buyer in the group have a common employer.